

DRAFT

Highly Qualified Special Education Teachers In North Dakota

Please Note: The North Dakota Education Standards and Practices Board (ESPB) is the legislatively appointed entity that has the authority to issue professional educator's teaching licenses in North Dakota. The ESPB website can be located at <http://www.state.nd.us/espb/> The determination of what is considered "highly qualified" in North Dakota is imposed on the North Dakota Department of Public Instruction under the Federal No Child Left Behind Act. The Department of Public Instruction works with the ESPB to set licensure standards for the state.

HIGHLY QUALIFIED SPECIAL EDUCATION DEFINITION

North Dakota educators who are:

1. Elementary licensed (1-8 or 1-6) teacher with a special education credential in mental retardation(K-12):
 - Teach in elementary classroom
 - Teach or provide direct instruction to all MR elementary students
 - Teach or provide direct instruction to middle or high school MR students that are alternately assessed
 - Consult K-12 MR students
2. Elementary licensed (1-8 or 1-6) teacher with a special education credential in learning disabled (K-12):
 - Teach in elementary classroom
 - Teach or provide direct instruction to all LD elementary students
 - Teach or provide direct instruction to middle or high school LD students that are alternately assessed
 - Consult K-12 LD students
3. Elementary licensed (1-8 or 1-6) teacher with a special education credential in emotionally disturbed (K-12):
 - Teach in elementary classroom
 - Teach or provide direct instruction to all ED elementary students
 - Teach or provide direct instruction to middle or high school ED students that are alternately assessed
 - Consult K-12 E D students
4. Elementary licensed (1-8 or 1-6) teacher with a special education strategist credential in mental retardation, learning disabled, and emotionally disturbed (K-12):
 - Teach in elementary classroom

- Teach or provide direct instruction to all MR, ED, or LD elementary students
 - Teach or provide direct instruction to middle or high school MR, ED, or LD students that are alternately assessed
 - Consult K-12 MR, ED, or LD students
5. Restricted special education teacher in mental retardation, hearing impaired, or visually impaired (no special education credential):
 - Consult K-12 in area of MR, HI, or VI licensure
 6. Restricted special education teacher who has successfully completed the restricted elementary portfolio, and holds a special education credential in mental retardation, hearing impaired, or visually impaired:
 - Teach or provide direct instruction to elementary students in area of special education credential
 - Teach or provide direct instruction to middle or high school students that are alternately assessed in area of special education credential
 - Consult K-12 students in area of special education credential
 7. Middle level licensed (5-8) in English, Science, Math or Social Studies with a special education credential in mental retardation(K-12):
 - Teach in middle level classroom in specific area of licensure
 - Teach or provide direct instruction to MR middle level students in specific area of licensure
 - Teach or provide direct instruction to middle or high school MR students that are alternately assessed
 - Consult K-12 MR students
 8. Middle level licensed (5-8) in English, Science, Math or Social Studies with a special education credential in learning disabilities(K-12):
 - Teach in middle level classroom in specific area of licensure
 - Teach or provide direct instruction to LD middle level students in specific area of licensure
 - Teach or provide direct instruction to elementary, middle, or high school LD students that are alternately assessed
 - Consult K-12 LD students
 9. Middle level licensed (5-8) in English, Science, Math or Social Studies with a special education credential in emotional disturbance(K-12):
 - Teach in middle level classroom in specific area of licensure
 - Teach or provide direct instruction to ED middle level students in specific area of licensure
 - Teach or provide direct instruction to elementary, middle, or high school ED students that are alternately assessed
 - Consult K-12 ED students
 10. Middle level licensed (5-8) teacher with a special education strategist credential in mental retardation, learning disabled, and emotionally disturbed (K-12):
 - Teach in elementary classroom
 - Teach or provide direct instruction to all MR, ED, or LD elementary students

- Teach or provide direct instruction to elementary, middle, or high school MR, ED, or LD students that are alternately assessed
 - Consult K-12 MR, ED, or LD students
11. Middle level licensed (5-8) in non-core subject (i.e. physical education) with a special education credential in one of the areas of mental retardation, learning disabled, or emotionally disturbed(K-12):
 - Teach in middle level classroom in specific area of licensure
 - Consult K-12 MR, LD, ED in area of special education credential
 12. Secondary licensed (7-12 or 9-12) in non-core subject (i.e. physical education) with a special education credential in one of the areas of mental retardation, learning disabled, emotionally disturbed, or special education strategist(K-12):
 - Teach in secondary level classroom in specific area of licensure.
 - Consult K-12 MR, LD, or ED in area of special education credential
 13. Secondary licensed (7-12 or 9-12) in one of the NCLB core subjects of English/language arts, math, science, or social studies with a special education credential in mental retardation(K-12):
 - Teach in secondary level classroom in specific area of licensure
 - Teach or provide direct instruction to MR secondary level students in specific area of licensure
 - Teach or provide direct instruction in specific area of licensure to middle or high school MR students that are alternately assessed
 - Consult K-12 MR students
 14. Secondary licensed (7-12 or 9-12) in one of the NCLB core subjects of English/language arts, math, science, or social studies with a special education credential in learning disabilities(K-12):
 - Teach in secondary level classroom in specific area of licensure
 - Teach or provide direct instruction to LD secondary level students in specific area of licensure
 - Teach or provide direct instruction in specific area of licensure to middle or high school LD students that are alternately assessed
 - Consult K-12 LD students
 15. Secondary licensed (7-12 or 9-12) in one of the NCLB core subjects of English/language arts, math, science, or social studies with a special education credential in emotionally disturbed(K-12):
 - Teach in secondary level classroom in specific area of licensure
 - Teach or provide direct instruction to ED secondary level students in specific area of licensure
 - Teach or provide direct instruction in specific area of licensure to middle or high school ED students that are alternately assessed
 - Consult K-12 ED students
 16. Secondary licensed (7-12 or 9-12) teacher in one of the NCLB core subjects of English/language arts, math, science, or social studies with a special education strategist credential in mental retardation, learning disabled, and emotionally disturbed (K-12):
 - Teach in secondary level classroom in specific area of licensure

- Teach or provide direct instruction to all MR, ED, or LD elementary students
 - Teach or provide direct instruction in specific area of licensure to middle or high school MR, ED, or LD students that are alternately assessed
 - Consult K-12 MR, ED, or LD students
17. Elementary, middle, or secondary prepared teacher with a special education credential in gifted and talented education (K-12):
- Teach in specific area of licensure
 - Consult in gifted and talented programs K-12
18. Elementary licensed with a double major in elementary education and hearing impaired or visually impaired OR elementary licensed (1-8 or 1-6) teacher with a special education credential in hearing impaired or visually impaired(K-12):
- Teach in elementary classroom
 - Teach or provide direct instruction to all HI or VI elementary students
 - Teach or provide direct instruction to middle or high school HI or VI students that are alternately assessed
 - Consult K-12 HI or VI students
19. Middle level licensed (5-8) in English, Science, Math or Social Studies with a special education credential in hearing impaired or visually impaired(K-12):
- Teach in middle level classroom in specific area of licensure
 - Teach or provide direct instruction to HI or VI middle level students in specific area of licensure
 - Teach or provide direct instruction to elementary, middle, or high school HI or VI students that are alternately assessed
 - Consult K-12 HI or VI students
20. Secondary licensed (7-12 or 9-12) in one of the NCLB core subjects of English/language arts, math, science, or social studies with a special education credential in hearing impaired or visually impaired(K-12):
- Teach in secondary level classroom in specific area of licensure
 - Teach or provide direct instruction to HI or VI secondary level students in specific area of licensure
 - Teach or provide direct instruction in specific area of licensure to middle or high school HI or VI students that are alternately assessed
 - Consult K-12 HI or VI students
21. Elementary, middle, or secondary prepared teacher with a special education credential in physically handicapped(K-12):
- Teach in specific area of licensure
 - Consult in physically handicapped K-12 programs
22. Early Childhood Special Education licensure or credential (Birth to grade 3):
- Teach in specific area of licensure
 - Teach or provide direct instruction to ECSE student

OTHER DEFINITIONS

- Direct Instruction: Instruction provided by the regularly licensed teacher in the content area.
- Tutoring: Services provided after direct instruction to help students complete coursework.
- Consult or consultative services: Services provided by special education teachers to regular classroom teachers or special education students.

NCLB GENERAL FACTS

- The requirement that teachers be highly qualified applies to all public elementary, middle, or secondary school teachers, including special education teachers, **who teach a core academic subject**.
- Special education teachers who provide instruction in core academic subjects must meet the highly qualified teacher requirements for those core academic subjects that they teach. These requirements apply whether a special education teacher provides core academic instruction in a regular classroom, a resource room, or another setting.
- The requirements to be considered “**highly qualified**” are that teachers hold at least a bachelor’s degree, be fully licensed by the State, and demonstrate knowledge in the subject they are teaching.
- All teachers of core academic subjects must be highly qualified **no later than the end of the 2005 – 2006 school year**.
- The **core academic subjects** are English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.
- **New teachers** will be required to meet stringent requirements, including demonstration of competency by passing a rigorous State academic subject matter test.
- **A new teacher** is someone who has never been contracted as a teacher. Therefore, those teachers who have graduated within the last several years but who have been working as a substitute teacher, or paraprofessional, would be considered a new teacher.
- A “**current**” or “**not new**” **teacher** is a teacher who has already been hired by, and is teaching in, a school district.
- **Current teachers**, including special education teachers, can demonstrate their competency and skills by either (a) passing a rigorous State academic subject matter test, (b) in the case of middle or secondary school teachers, completing an academic major, graduate degree, coursework equivalent to an academic major, or advanced credentialing, or (c) using the **high, objective, uniform State standard of evaluation (HOUSSE)**.
- **IDEA 04** aligns highly qualified requirements for special education teachers with those requirements established under the No Child Left Behind Act, and also includes limited exceptions for special education teachers who have an

elementary education license and who teach children who are assessed using alternate achievement standards.

NORTH DAKOTA FACTS

- The State HOUSSE for **elementary education teachers** includes successful completion of a major in elementary education from an approved teacher education program. Current teachers, including special education teachers, who hold the elementary education professional educator's license do meet the highly qualified requirements for teaching core academic subjects in grades one through eight in an elementary school.
- A preschool or kindergarten teacher must have the appropriate licensure and endorsement corresponding to early childhood, kindergarten, or early childhood special education.
- In North Dakota, the rigorous State **academic subject matter test** is the Praxis II. Information about the Praxis II is available on the Education Standards and Practices Board (ESPB) website at <http://www.state.nd.us/espb/> or at ets.org.
- All elementary education teachers who are "**new to the profession**" hired for the 2005 – 2006 school year will need to take and pass the Praxis II content test 0011 and the PLT test 0522 before the end of the 2005 – 2006 school year in order to be eligible for continued employment.
- Some schools are Title I targeted assistance schools and some are Title I schoolwide schools. For special education teachers in a **Title I schoolwide** program, additional regulations apply. In a schoolwide program, all teachers hired for the 2005 – 2006 school year must be highly qualified *before* they are eligible for employment. Therefore, all new teachers at the elementary level, including special education teachers, must have taken and passed the Praxis II tests before they are eligible for employment.
- Special education teachers who hold a North Dakota professional educator's license plus additional **special education credentials**, subject to administrative rule, are qualified to provide special education support services in Kindergarten through grade twelve.

IDEA 04 FACTS

- Special education teachers **who do not directly instruct students** in core academic subjects or who provide only consultation to highly qualified teachers in adapting curricula, modifications of instructional methods, using behavioral supports and interventions or selecting appropriate accommodations, do not need to demonstrate subject matter competency in those subjects.
- Special education teachers who teach exclusively to children who are assessed against **alternate achievement standards** (those children with the most significant cognitive disabilities and up through grade twelve) may demonstrate

subject knowledge and teaching skills in the areas of the basic **elementary education** school curriculum.

- A new special education teacher who provides direct instruction in multiple subjects and who is highly qualified in mathematics, language arts, or science, may demonstrate competency in the other core academic subjects not later than two (2) years after the date of employment. This is an exception under IDEA 04 that is different than other provisions under NCLB.

FREQUENTLY ASKED QUESTIONS

1. Why are special education teachers required to meet the Highly Qualified standards under No Child Left Behind?

It has been made very clear in several statements of U. S. Congressional intent that special education should be a **support** for general education, not a **substitute** for general education. Congressional intent further reinforces the concept that students who have disabilities deserve highly qualified teachers as much as anyone else

2. What activities may special education teachers carry out if they are not highly qualified to provide direct instruction in a core academic content area?

There are many activities that special education teachers may carry out that would not, by themselves, require those teachers to be highly qualified in a particular academic subject area. Special educators who do not directly instruct students in any core academic subjects or who provide only consultation to highly qualified teachers of core academic subjects in adapting curricula, using behavioral supports and interventions, or selecting appropriate accommodations do not need to demonstrate subject-matter competency in those subjects. These special educators could also assist students with study skills or organizational skills and reinforce instruction that the child has already received from a highly qualified teacher in that core academic subject. For more specific information see the special education highly qualified definitions located on the Education Standards and Practice Board (ESPB) website at <http://www.state.nd.us/espb/>

3. Which special education teachers should consider using the ND portfolio option, under the State HOUSSE process, to become highly qualified?

Special education teachers who hold a restricted special education license in the area of Mental Retardation (MR) may complete a portfolio for a restricted elementary special education major equivalency. This portfolio option can not be used to qualify for teaching in a regular elementary education classroom. Please refer to specific information about the ND portfolio option at <http://www.state.nd.us/espb/profdev/portfolio.htm>

4. How do the highly qualified requirements apply to Speech-Language Pathologists or other related service providers?

Special education related service providers, including Speech-Language Pathologists, do not provide direct instruction in core academic subjects. They are not required to meet highly qualified requirements under the No Child Left Behind Act, however, they will still be required to meet state requirements to be licensed in their respective areas. Speech-Language Pathologists are still required to meet the State's professional licensure requirements for completion of a Master's degree before July 1, 2010.

5. Can special educators still teach Functional and Community-based Courses for Students with Unique Learning Needs?

Whenever possible, students with unique learning needs should be included in regular curriculum offerings with supplementary aids and services. In some instances when the curriculum is inappropriate, individualized programming may be designed through the IEP team. The Functional and Community-based Courses may be relevant for students with mental retardation (MR), specific learning disabilities (SLD), and/or emotional disturbance (ED) if designated by the student's IEP team. These courses are intended for students receiving special education services in grades 9 through 12 and may be taught by credentialed MR, SLD, or ED teachers. Credentialed MR, SLD, or ED teachers, however, may only serve as the teacher of record and issue grades for these courses if the students are assessed using alternate achievement standards.

6. Will the Resource Room Letter of Approval for MR/SLD disability areas continue to meet the special education qualification requirements in these two areas?

Yes. The Resource Room Letter of Approval indicates that the special education teacher is qualified to provide support services for students who have mental retardation and specific learning disabilities. However, if the special educator is providing direct instruction in core academic subjects, the highly qualified requirements will have to be met for that subject area and for the student(s) grade level.

7. What is a "restricted" special education license?

Teachers who do not have a degree in elementary, middle, or secondary education, but who do have a degree with a major in special education only, can receive a restricted professional educator's license. The restriction means that these teachers are not qualified to provide direct instruction in any core academic subjects and may provide consultative services only. In ND, restricted special education licenses are issued for the areas of Mental Retardation (MR), Hearing Impaired (HI), and Vision Impaired (VI).

8. Will the Tutor in Training approval process still be available for teachers who are completing credential requirements while they are teaching?

Yes. The Tutor in Training approval process (for SLD, ED, Early Childhood Special Education, and Special Education Strategist) requires that the teacher holds a current ND professional educator's license in either elementary, middle, or secondary

education. The teaching license indicates that the person is qualified to teach, however, the teacher working under Tutor in Training status must not carry a special education caseload until the credential requirements have been completed.

9. Are highly qualified regular education teachers qualified to provide direct instruction to special education students?

Yes. The United States House-Senate Conference Committee issued statements of intent and clarification. According to the Committee, IDEA 04 doesn't prevent general education teachers and other teachers who are highly qualified in particular subjects from providing instruction in core academic subjects to children with disabilities in those subjects. "For example, a reading specialist who is highly qualified in reading instruction, but who is not certified as a special education teacher, would not be prohibited from providing reading instruction to children with disabilities."

This information had been compiled by the Office of Special Education, ND Department of Public Instruction.
Phone: (701) 328-2277
Website: <http://www.dpi.state.nd.us/speced/index.shtm>